

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
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ELECTRONICALLY FILED
DOC #: 3/25/2021
DATE FILED: 3/25/2021

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HENRY F. HEWES,	:	
	:	
Plaintiff,	:	
	:	19-cv-9158 (LJL)
-v-	:	
	:	<u>ORDER</u>
ALABAMA SECRETARY OF STATE, et al.,	:	
	:	
Defendant.	:	
	:	
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LEWIS J. LIMAN, United States District Judge:

Under Rule 41(b) of the Federal Rules of Civil Procedure, upon consideration of certain factors including notice to the plaintiff, a district court may dismiss an action *sua sponte* for failure to prosecute. *LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); *see, e.g., Abdallah v. Ragner*, 2013 WL 7118083, at *4 (S.D.N.Y. Nov. 22, 2013) (“A plaintiff is required to notify the Court when his address changes, and failure to do so is sufficient to justify dismissal of a plaintiff’s complaint.”) (citing *Fields v. Beem*, 2013 WL 3872834, at *2 (N.D.N.Y. July 24, 2013) (collecting cases)). A plaintiff’s “failure to respond to an explicit order to show cause” why a case should not be dismissed is evidence of that plaintiff’s “failure to pursue the case.” *Smalls v. Port Auth. of N.Y. & N.J.*, 120 F. App’x 396, 399 (2d Cir. 2005) (citing *Minotti v. Lensink*, 895 F.2d 100, 103 (2d Cir.1990) (per curiam)).

Plaintiff was previously ordered to show cause, by September 21, 2020, why all claims in this action should not be dismissed. Dkt. No. 69. Plaintiff made no such filing, and the order directing him to do so, which was mailed to Plaintiff’s listed address, was returned to sender.

Accordingly, the claims in this action which have not already been dismissed are DISMISSED without prejudice. The Clerk of Court is respectfully directed to close the case and mail a copy of this order to Plaintiff’s address on file.

SO ORDERED.

Dated: March 25, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge